



## CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### CITY COUNCIL AGENDA

### REGULAR MEETING

WEDNESDAY, NOVEMBER 18, 1998

Morgan Hill Civic Center  
Council Chambers  
17555 Peak Avenue  
Morgan Hill, California 95037

Mayor  
Mayor Pro Tempore  
Council Member  
Council Member  
Council Member

Dennis Kennedy  
Cynthia J. Cook  
Hedy L. Chang  
J. Robert Foster  
Bev E. Freeman

**7:00 P.M.**

**CALL TO ORDER**  
( Mayor Kennedy)

**ROLL CALL ATTENDANCE**  
(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**  
Per Government Code 54954.2  
(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**  
Eric Hilding

**PLEDGE OF ALLEGIANCE**

**INTRODUCTIONS**  
Leo Alamillo  
*Maintenance Supervisor*  
*Public Works*

**CITY COUNCIL REPORT**  
Council Member Freeman

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**CONSENT CALENDAR:** The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **OCTOBER FINANCE AND INVESTMENT REPORT**  
**Recommended Action:** Accept and file report.
2. **APPROVAL OF SOLE SOURCE PURCHASE OF WATER METERS**  
**Recommended Action:** 1) Approve purchase of water meters from Sensus Technologies in accordance with Section 3.04.120, A.(4) of the Municipal Code - Brand names or equal specification and 2) approve purchase order of \$95,000 to Sensus Technologies for the annual supply of water meters.
3. **RESOLUTION SETTING SALARIES OF CITY CLERK AND CITY TREASURER**  
**Recommended Action:** Adopt resolution setting the salaries of the elected City Clerk and the elected City Treasurer at \$200 per month.
4. **MT MADONNA YMCA ANNUAL REPORT**  
**Recommended Action:** This report is being presented in accordance with the Lease Agreement between the City of Morgan Hill and the YMCA of Santa Clara Valley executed on January 26, 1998.
5. **APPROVE AMENDMENTS TO CONSULTANT AGREEMENT S WITH CARL MILEFF & ASSOCIATES AND CERTIFIED CODE CONSULTANTS**  
**Recommended Action:** 1) Authorize the City Manager to execute an amendment to the agreement with Carl Mileff & Associates for plan checking services from July 1, 1998 to June 30, 1999 for the amount of \$35,000; 2) authorize the City Manager to execute an amendment to the agreement with Certified Code Consultants from July 1, 1998 to June 30, 1999 for the amount of \$35,000, and 3) increase estimated revenue for plan checking by \$45,000 and increase the appropriation of 206-42231-5130 for contract services by \$45,000.
6. **APPROVAL TO WAIVE COMPETITIVE BID PROCESS FOR SEWER MAIN REPAIR WORK IN JACKSON OAKS**  
**Recommended Action:** That City Council 1) find that the immediate preservation of public peace, health, and safety, specifically potential leakage of sewage, requires this purchase to be made without the requirement of public bidding, and 2) waive the public bid process and direct that the sewer main adjacent to 16175 Jackson Oaks Drive be relined without competitive bidding.
7. **AWARD OF CONTRACT FOR CONSTRUCTION OF BUTTERFIELD BOULEVARD - DUNNE TO SAN PEDRO**  
**Recommended Action:** 1) Appropriate additional funds as identified below to fully fund this project and 2) award contract to RGW Construction, Inc. for construction of Butterfield Boulevard - Phase II improvements in the amount of \$1,277,752.
8. **AWARD OF CONTRACT FOR CONSTRUCTION OF MORGAN HILL ADA PARKS UPGRADE PROJECT**  
**Recommended Action:** 1) Approve the attached Resolution which makes the required findings and approve the attached City/RDA loan agreement and 2) award contract to Pacific Coast Construction, Inc. for the construction of Morgan Hill

Parks, ADA in the amount of \$594,323.00.

9. **FLOOD PREPARATIONS FOR THE 98/99 WINTER**  
**Recommended Action: Information report only.**
10. **APPROVAL OF REGULAR MEETING MINUTES OF NOVEMBER 4, 1998**

**LEGALLY NOTICED PUBLIC HEARINGS:**

11. **EXPANSION OF SOLID WASTE DIVERSION SERVICES**  
(Continued from 11/4/98)  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to authorize the City Manager to execute the Amendment to the Franchise Agreement.
12. **DEVELOPMENT AGREEMENT APPLICATION DA-98-08 AND ZONING AMENDMENT APPLICATION ZA 98-12: MALAGUERRA-ANSUINI**  
**Recommended Action:** Request staff presentation.  
The Mayor will reconvene the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the Development Agreement (DA) Ordinance;  
Motion to introduce DA Ordinance by title only.  
Action - Motion to take no action on the zoning amendment application as the RPD overlay is no longer needed.
13. **SUBDIVISION APPLICATION SD 98-13: MALAGUERRA-ANSUINI**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to approve Mitigated Negative Declaration.  
Action - Motion to adopt Resolution for subdivision.
14. **GPA-98-04: SUNSET-MALONE**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to approve Mitigated Negative Declaration.  
Action - Motion to adopt Resolution denying the General Plan Amendment

15. **APPLICATION ZA-98-18: CITY OF MORGAN HILL - SUNNYBROOK RESIDENTIAL PLANNED DEVELOPMENT (RPD) AMENDMENT**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the Ordinance;  
Motion to introduce Ordinance by title only.

**OTHER BUSINESS:**

16. **CONTINUED CONSIDERATION FOR NORDSTROM PARK MASTER PLAN**

**Recommended Action:** Approve conceptual Master Plan design and direct staff to return to Council with a Consultant Services Agreement to prepare final plans and specifications.

17. **REQUEST TO PLACE RDA MEASURE ON THE BALLOT - COUNCIL MEMBER FREEMAN**

**Recommended Action:** Consider request by Council Member Freeman to place an advisory measure on the ballot regarding redevelopment.

18. **A-FRAME SIGNS IN THE DOWNTOWN AREA**

**Recommended Action:** Council review and direction to staff.

**ROLL CALL VOTE:**

The Roll Call Vote, Agenda Items #19 and #20 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

19. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1415, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending Title 3 of the Morgan Hill Municipal Code, the Revenue and Finance Code, and Title 18, the Planning and Land Use Codes to eliminate text errors, to provide clarification to existing text and code provisions and incorporate new definition (ZA-98-15), as amended.

20. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1417, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill adding Chapter 2.09 to the Municipal Code of Morgan Hill regarding the City Attorney.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

**ADJOURNMENT:**

**FUTURE COUNCIL AGENDA ITEMS:**

1. Certification of Election Results
2. Swearing of Mayor and Council Members-elect Tate & Sellers
3. Request for Council Direction Regarding a Possible Council Policy Regarding City Council Meeting Minutes
4. Weed Abatement Public Hearing
5. Appointments to Finance & Audit Committee
6. Rite Aid Appeal
7. Approve CIP

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #11 through #15 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.